

**UTAH SOLID AND HAZARDOUS WASTE CONTROL BOARD
SOLID WASTE PERMIT RENEWAL**

CLASS II LANDFILL

Pursuant to the provisions of the *Utah Solid and Hazardous Waste Act*, Title 19, Chapter 6, Utah Code Annotated (UCA) 1953, as amended (the Act) and the *Utah Solid Waste Permitting and Management Rules*, Utah Administrative Code (UAC) R315-301 through 320 adopted thereunder,

Western Kane County Special Service District #1

is hereby authorized to operate the **Kanab Class II Landfill** located in the northwest 1/4 of the northeast 1/4 of Section 11, Township 44 South, Range 6 West, Salt Lake Base and Meridian, Kane County, Utah as described and shown in the permit renewal application that was determined complete on October 30, 2003.

The operation of the landfill is subject to the requirement that Western Kane County Special Service District #1 (Permittee) meet the conditions set forth herein.

All references to UAC R315-301 through 320 are to regulations that are in effect on the date that this permit becomes effective.

This permit shall become effective February 1, 2004.

This permit shall expire at midnight January 31, 2009.

Signed this _____ day of _____, 2004.

Original Document Signed by Dennis R. Downs on 1/15/04

Dennis R. Downs, Executive Secretary
Utah Solid and Hazardous Waste Control Board

PERMIT REQUIREMENTS

LANDFILL NAME: Kanab Class II Landfill

OWNER NAME: Western Kane County Special Service District #1

OWNER ADDRESS: 28 North Main Street
PO Box 36
Kanab, Utah 84741

OWNER PHONE NO. 435-644-5089

TYPE OF PERMIT: Class II Landfill

PERMIT NUMBER: 9713R1

LOCATION: Landfill site is located in Township 44 South, Range 6 West, Section 11, SLMB; Kane County, Lat. 37° 00' 20", Long. 112° 30' 00".

Permit as used in this document is defined in Utah Administrative Code (UAC) R315-301-2(55).

The renewal application, as deemed complete on October 30, 2003, is hereby approved and is incorporated by reference into this Solid Waste Permit. All representations made in the permit renewal application are part of this permit and are enforceable under UAC 315-301-5(2). The permit renewal application will become part of the operating record of the Landfill. Where differences in wording exist between this permit and the renewal application, the wording of the permit supersedes that of the renewal application.

By this permit to own and operate, the Permittee is subject to the following conditions.

I. GENERAL COMPLIANCE RESPONSIBILITIES

A. General Operation

The Permittee shall operate the landfill in accordance with all applicable requirements of UAC R315-302 and 303, for a Class II landfill, that are currently effective unless otherwise noted in this permit. Any permit noncompliance or other noncompliance constitutes a violation of UAC R315-302 or 303 and is grounds for appropriate enforcement action, permit revocation, modification, or denial of a permit renewal application.

B. Acceptable Waste

This permit is for the disposal of nonhazardous solid waste that may include, municipal solid waste, commercial waste, industrial waste, construction/demolition waste, and special waste as defined in UAC R315-301. The Permittee may accept conditionally exempt small quantity generator hazardous waste as specified in UAC R315-303-4(7)(a)(i)(B) and waste containing PCB's as specified by UAC R315-315-7(2).

The Permittee is limited to an average of 20 tons per day of acceptable waste or a service area population of 8900. The daily average shall be determined by dividing the total or estimated tons of waste received in a calendar year by 365. If the 20 tons per day average is exceeded or the maximum population served is exceeded, the Permittee must notify the Executive Secretary and apply for a new permit for a Class I landfill.

C. Prohibited Waste

No hazardous waste as defined by UAC R315-1 and R315-2, except waste specified by UAC R315-303-4(7)(a)(i)(B); or PCB's as defined by UAC R315-301-2(53), except those specified by UAC R315-315-7(2), may be accepted for treatment, storage, or disposal at the landfill. Any prohibited waste received and accepted for treatment, storage, or disposal at the facility will constitute a violation of this permit and UAC R315-303-4(7).

D. Inspections and Inspection Access

The Permittee shall allow the Executive Secretary of the Utah Solid and Hazardous Waste Control Board or an authorized representative of the Board, including representatives from the Southwest Utah Public Health Department, to enter at reasonable times and:

1. Inspect the landfill or other premises, practices or operations regulated or required under the terms and conditions of this Permit or UAC R315-301 through 320;
2. Have access to and copy any records required to be kept under the terms and conditions of the Permit or UAC R315-301 through 320;
3. Inspect any loads of waste, treatment facilities or processes, pollution management facilities or processes, or control facilities or processes required under the Permit or regulated under UAC R315-301 through 320; and
4. Create a record of any inspection by photographic, videotape, electronic, or any other reasonable means.

E. Noncompliance

1. If monitoring, inspection, or testing indicates that any permit condition or any applicable rule under UAC R315-301 through 320 may be or is being violated, the Permittee shall promptly make corrections to the operation or other activities

to bring the facility into compliance with all permit conditions or applicable requirements of the rules. In the event of any noncompliance with any permit condition or violation of an applicable rule, the Permittee shall promptly take any feasible action reasonably necessary to correct the noncompliance or violation and mitigate any risk to the human health or the environment. Actions may include eliminating the activity causing the noncompliance or violation and containment of any waste or contamination using barriers or access restrictions, placing of warning signs, or permanently closing areas of the facility. The Permittee shall: document the noncompliance or violation in the operating record, on the day the event occurred or the day it was discovered; notify the Executive Secretary of the Solid and Hazardous Waste Control Board within 24 hours, or the next business day following documentation of the event; and give written notice of the noncompliance or violation and measures taken to protect public health and the environment within seven days of Executive Secretary notification.

Within thirty days of the documentation of the event, the Permittee shall submit, to the Executive Secretary, a written report describing the nature and extent of the noncompliance or violation and the remedial measures taken or to be taken to protect human health and the environment and to eliminate the noncompliance or violation. Upon receipt and review of the assessment report, the Executive Secretary may order the Permittee to perform appropriate remedial measures including development of a site remediation plan for approval by the Executive Secretary.

2. In an enforcement action, the Permittee may not claim as a defense that it would have been necessary to halt or reduce the permitted activity in order to maintain compliance with UAC R315-301 through 320 and this permit.
3. Compliance with the terms of this permit does not constitute a defense to actions brought under any other local, State, or Federal laws. This permit does not exempt the Permittee from obtaining any other local, State or Federal permits or approvals.
4. The issuance of this Permit does not convey any property rights, other than the rights inherent in this permit, in either real or personal property, or any exclusive privileges nor does it authorize any injury to private property or any invasion of personal rights, nor any infringement of Federal, State or local laws or regulations including zoning ordinances.
5. The provisions of this Permit are severable. If any provision of this Permit shall be held invalid for any reason, the remaining provisions shall remain in full force and effect. If the application of any provision of this Permit to any circumstance is held invalid, its application to other circumstances shall not be affected.

F. Revocation

1. This permit is subject to revocation if any condition of the permit is not being met. The Permittee will be notified in writing prior to any proposed revocation action and such action will be subject to all applicable hearing procedures established under UAC R315-12 and the *Utah Administrative Procedures Act*.
2. Revocation of this permit does not revoke the financial assurance established for closure and post-closure care of the facility, nor remove any responsibility for completion of closure and post-closure care for the facility required in UAC R315-302-3.

G. Attachment Incorporation

Attachments incorporated by reference are enforceable conditions of this permit, as are documents incorporated by reference into the attachments. Language in this permit supercedes any conflicting language in the attachments or documents incorporated into this permit by reference.

II. DESIGN AND CONSTRUCTION

A. Design and Construction

1. The Permittee shall construct the landfill cells or units, run-on and run-off diversion systems, and the final cover in accordance with the plans presented in the permit renewal application and the Utah Solid Waste Permitting and Management Rules (UAC R315-301 thru 320). If ground water is encountered during excavation of the landfill, the Executive Secretary shall be notified immediately, and a contingency plan implemented or alternative construction design developed and submitted for approval.
2. The Permittee shall notify the Executive Secretary of the completion of construction of any final cover system and shall provide all necessary documentation and shall apply for approval of the construction from the Executive Secretary.
4. All engineering drawings submitted to the Executive Secretary must be stamped and approved by a professional engineer with a current registration in Utah.

B. Run-On Control

Drainage channels and diversions shall be constructed as specified in the permit renewal application and maintained at all times to effectively prevent runoff from the surrounding area from entering the landfill.

III. LANDFILL OPERATION

A. Operations Plan

The Operations Plan included in the permit renewal application and the solid waste permit issued by the Executive Secretary shall be kept on-site at the landfill. The landfill shall be operated in accordance with the operations plan as included in the permit renewal application. If necessary, the facility owner may modify the Operations Plan, provided that the modification meets all of the requirements of UAC R315-301 through 320 and is as protective of human health and the environment as that approved in the permit renewal application. Any modification to the Operations Plan shall be approved by the Executive secretary and noted in the operating record.

B. Security

The Permittee shall operate the Landfill so that unauthorized entry to the facility is prevented. All facility gates and other access routes shall be locked during the time the landfill is not open. At least one person, employed by the Western Kane County Special Service District #1, shall be at the landfill during all hours that the landfill is open. Fencing and any other access controls as shown in the permit renewal application shall be constructed to prevent access of persons or livestock by other routes.

C. Training

Permittee shall provide training for on-site personnel in landfill operation, including waste load inspection, hazardous waste identification, and personal safety and protection.

D. Burning of Waste

Intentional burning of solid waste is prohibited and is a violation of UAC R315-303-4(2)(b).

E. Daily Cover

The solid waste received at the landfill shall be completely covered at the end of each working day with a minimum of six inches of earthen material.

F. Ground Water Monitoring

This facility is not required to monitor ground water.

G. Gas Monitoring

The facility has met the requirements of UAC R315-303-3(5)(d) and, except for the monitoring of explosive gases inside buildings at the landfill, is exempt from gas monitoring.

H. Waste Inspections

The Permittee shall visually inspect incoming waste loads to verify that no wastes other than those allowed by this permit are disposed in the landfill. A complete waste inspection shall be conducted at a minimum frequency of 1 % of incoming loads, but no less than one complete inspection per day. Loads to be inspected are to be chosen on a random basis.

All containers capable of holding more than five gallons of liquid will be inspected to determine if the waste is acceptable for disposal.

All loads that the operator suspects may contain a waste not allowed for disposal at the landfill will be inspected.

Complete random inspections shall be conducted as follows:

1. The operator shall conduct the random waste inspection at the working face or an area designated by the operator.
2. The load to be inspected will be chosen on a random basis;
3. Loads subjected to complete inspection shall be unloaded at the designated area;
4. Loads shall be spread by equipment or by hand tools;
5. A visual inspection of the waste shall be conducted by personnel trained in hazardous waste recognition and recognition of other unacceptable waste; and
6. The inspection shall be recorded on the waste inspection form found in the permit renewal application. The form shall be placed in the operating record at the end of the operating day.

I. Disposal of Liquids

Disposal of containers of liquids larger than household size (five gallons), noncontainerized material containing free liquids, sludge containing free liquids, or any waste containing free liquids in containers larger than five gallons is prohibited.

J. Disposal of Special Wastes

Animal carcasses may be disposed at the bottom of the landfill working face and must be covered with other solid waste or earth by the end of the operating day they are received or they may be disposed in a special trench or pit prepared for the acceptance of dead animals. If a special trench is used, animals placed in the trench shall be covered with six inches of earth by the end of each operating day.

If asbestos waste is accepted for disposal at the landfill, it shall be handled and disposed in accordance with UAC-315-315-2.

If loads of incinerator ash are accepted for disposal, it shall be transported in such a manner to prevent leakage or the release of fugitive dust. The ash shall be completely covered with a minimum of six inches of material, or use other methods or material, if necessary, to control fugitive dust. Ash may be used for daily cover when its use does not create human health and environmental hazard.

K. Self Inspections

The Permittee shall inspect the facility to prevent malfunctions and deterioration, operator errors, and discharges that may cause or lead to the release of wastes or contaminated materials to the environment or create a threat to human health. These general inspections shall be completed no less than quarterly and shall cover the following areas: Waste placement and cover; fences and access controls; roads; run-on/run-off controls; final and intermediate cover; litter controls; and records. A record of the inspections shall be placed in the daily operating record on the day of the inspection. Areas needing correction, as noted on the inspection report, shall be corrected. The corrective actions shall be documented in the daily operating record.

L. Recordkeeping

The Permittee shall maintain and keep on file at the landfill, a daily operating record and other general records of landfill operation as required by UAC R315-302-2(3).

1. The daily operating record shall include the following items:
 - a. The number of loads of waste and the weights or estimates of weights or volume of waste received each day of operation and recorded at the end of each operating day;
 - b. Major deviations from the approved plan of operation recorded at the end of the operating day the deviation occurred;
 - c. Results of other monitoring required by this permit recorded in the operating record on the day of the event or the day the information is received;

- d. Records of all inspections conducted by the Permittee/s, results of the inspections, and corrective actions taken shall be recorded in the record on the day of the event;
- 2. The general record of landfill operations shall include the following items:
 - a. A copy of the permit including the permit renewal application;
 - b. Results of inspections conducted by representatives of the Utah Solid and Hazardous Waste Control Board and/or representatives of the Southwest Utah Public Health Department, when forwarded to the Permittee;
 - c. Closure and Post-closure care plans;
 - d. Records of employee training.

M. Reporting

The Permittee shall prepare and submit, to the Executive Secretary, an Annual Report as required in UAC R315-302-2(4). The Annual Report shall include: the period covered by the report, the annual quantity of waste received; an annual update of the closure and post-closure care cost estimates and financial assurance mechanism; and all training programs completed.

N. Roads

All access roads, within the landfill boundary, used for transporting waste to the landfill for disposal shall be improved and maintained as necessary to assure safe and reliable all-weather access to the disposal area.

IV. CLOSURE REQUIREMENTS

A. Closure

Final cover of the landfill shall be as shown in the permit renewal application or an alternative final cover approved by the Executive Secretary. The final cover shall, at a minimum, meet the standard design for closure as specified in the UAC (R315-303-3(4)) plus sufficient cover soil or equivalent material to protect any low permeability layer from the effects of frost, desiccation, and root penetration. A quality assurance plan for construction of the final landfill cover shall be submitted to, and approval of the plan must be received from the Executive Secretary prior to construction of any part of the final cover at the landfill. A qualified third party shall perform permeability testing on any recompacted clay layer placed as part of the final cover.

B. Title Recording

The Permittee shall also meet the requirements of UAC R315-302-2(6) by recording with the Kane County Recorder as part of the record of title that the property has been used as a landfill.

C. Post-Closure Care

Post-closure care at the closed landfill shall be done in accordance with the Post-Closure Care Plan contained in the permit renewal application. Post-closure care shall continue until all waste disposal sites at the landfill have stabilized and the finding of UAC R315-302-3(7)(c) is made.

D. Financial Assurance

The Trust Fund established with the Utah State Treasurer as described in the permit renewal application shall serve as the financial assurance mechanism to cover the costs of closure and post-closure care at the landfill. The financial assurance fund shall be adequately funded to provide for the cost of closure and post-closure care at any stage or phase or anytime during the life of the landfill.

E. Financial Assurance Annual Update

An annual revision of closure and post-closure care cost estimates and financial assurance funding shall be submitted to the Executive Secretary as part of the annual report.

V. ADMINISTRATIVE REQUIREMENTS

A. Permit Modification

Modifications to this permit may be made upon application by the Permittee/s or by the Executive Secretary. The Permittee will be given written notice of any permit modification initiated by the Executive Secretary.

B. Permit Transfer

This permit may be transferred to a new Permittee by meeting the requirements of the permit transfer provisions of UAC R315-310-10.

C. Expansion

1. This permit is for the operation of a Class II Landfill according to the design and Operation Plan described and explained in the permit renewal application. Any

expansion of the current footprint designated in the description contained in the permit renewal application, but within the property boundaries designated in the permit renewal application, shall be completed in accordance with the plans presented in the permit renewal application.

2. Any expansion of the landfill facility beyond the property boundaries designated in the description contained in the permit renewal application will require submittal of a new permit renewal application in accordance with the requirements of UAC R315-310.
3. Any expansion of the waste types accepted at the landfill facility will require submittal of all necessary information to the Executive Secretary and the approval of the Executive Secretary.

D. Expiration

This permit shall expire five years from the effective date which is the date shown on the signature (first) page of this permit. Application for permit renewal shall be made at least 180 days prior to the expiration of this permit. If a timely renewal application is made and the permit renewal is not complete by the expiration date, this permit will continue in force until renewal is completed or denied.